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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,515

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EXAMINER

PATEL, BHARAT C

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

05/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/516,515	<b>Applicant(s)</b> VROOMANS ET AL.	
	<b>Examiner</b> BHARAT C. PATEL	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 6-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/2/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Sueda 5,048,737.

Re claim 6, Sueda discloses a tape reel 116; a tape reel holder 2 in which the tape reel 4 is detachably positioned; a cutting device 5 provided in the component supplying device 1; and a tape supplying 7, 7a and discharging device 8, 8a configured to transport tape 3 from the tape reel 4 to the cutting device 5 per Figs. 1 & 2.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 7, 8, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakae 5,816,527 in view of Tanigami 3,690,531.

Re claim 6, Nakae discloses a tape reel 116; a tape reel holder 140 per Fig. 17 in which the tape reel 116 is detachably positioned; a cutting device 136 provided in the component supplying device per Fig. 15; and a tape 112 supplying and discharging

device 146 configured to transport tape 112 to the cutting device 136 per Fig. 1.

However, Nakae fails to teach that the device is transporting tape from the tape reel.

Tanigami teaches the cutting device transporting tape T from the tape reel 5.

It would have been obvious to one having ordinary skill in the art at the time of invention to provide Nakae's cutting device with tape reel system from which it can supply the tape to cutting device as taught by Tanigami in order to provide for continuous flow of tape material.

Re claim 7, the modified device of Nakae teaches a cylinder 364; and a piston connected to the piston rod 368 that is reciprocally displaceable in the cylinder, wherein the cutting device comprises a knife 374 that is displaceable by means of the piston per Fig. 15.

Re claims 8 and 17, Nakae teaches that the cylinder 364 is a pneumatic cylinder per col. 17, lines 43-46.

Re claim 16, the modified device of Nakae teaches a tape reel (Nakae, 116); a tape reel holder (Nakae, 140 per Fig. 17) in which the tape reel (Nakae, 116) is detachably positioned; a cylinder 364; and a piston connected to the piston rod (Nakae, 368) that is reciprocally displaceable in the cylinder, a cutting device comprises a knife (Nakae, 374) that is displaceable by means of the piston per (Nakae, Fig. 15a) cutting device (Nakae, 136) provided in the component supplying device per (Nakae, Fig. 15); and a tape supplying and discharging device configured to transport tape from the tape reel (Tanigami, 5) to the cutting device (Taginami, 1 per Fig. 1).

5. Claims 9-15 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakae 5,816,527 in view of Tanigami 3,690,531 and further in view of Gietman 5,176,610.

Re claims 9 and 18, the modified device of Nakae teaches the invention as claimed as discussed above. However, the modified device of Nakae fails to teach that the piston- cylinder combination extends at an angle to a displacement direction of the knife. Gietman teaches that the piston- cylinder 192 combination extends at an angle to a displacement direction of the knife 182 per Fig. 5.

It would have been obvious to one having ordinary skill in the art at the time of invention to provide Nakae's cutting device, as modified above, with piston-cylinder combination extending to an angle to a displacement direction of the knife as taught by Gietman, in order to provide controlled and accurate cutting of the web material.

Re claims 10 and 19, the modified device of Nakae teaches that a transmission, (Gietman, made up of links 188, 190 and pivoted joints), located between the piston-cylinder combination (Gietman,192) and the knife (Gietman,182 per Fig. 5).

Re claims 11 and 20, the modified device of Nakae teaches that the transmission (Gietman, made up of links 188, 190 and pivoted joints), comprises an element 182 that is pivotable about an axis of rotation (Gietman, per col. 10, lines 18-20).

Re claims 12 and 21, the modified device of Nakae teaches that an end of the knife (Gietman, 182) and an end of the piston (the piston-cylinder combination, Gietman, 192) are fastened to the element (Gietman, 190) such that the knife (Gietman, 182) and the piston are separately pivotable about axis per (Gietman, Fig. 5).

Re claims 13 and 22, the modified device of Nakae teaches that the element comprises a first link (Gietman, 190) connected to the end of piston and a second link (Gietman, second link formed by knife 182 pivot point and the bracket point connecting to the first link per Fig. 5) connected to the end of the knife 182.

Re claims 14 and 23, the modified device of Nakae teaches that the first link (Gietman, 190) is substantially perpendicular to the second link (Gietman, second link formed by knife 182 pivot point and the bracket point connecting to the first link per Fig. 5).

Re claims 15 and 24, the modified device of Nakae teaches that the first 190 and second (Gietman, second link formed by knife 182 pivot point and the bracket point connecting to the first link) links are joined at the axis of rotation per (Gietman, per Fig. 5).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zadow (3,780,610) and Demarest (2001/0007216) teach transmission system between knife and the piston-cylinder combination

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/  
Examiner, Art Unit 3724  
May 9, 2008.

/Ghassem Alie/

Primary Examiner, Art Unit 3724